IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19607 of 2004

Between:

Syed Abbas Agha, S/o.Syed Ali Agha,
R/o.H.No.16-9-422/9/4, Old Malakpet, Hyderabad.

.....PETITIONER

AND

The Regional passport office, Near Clock Tower, Secunderabad, rep.by the passport officer.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondent to receive the application to consider for issuance of fresh passport with correct date of birth of the petitioner, as illegal, arbitrary and violative of Article 14 of the Constitution of India, and consequently direct the respondent to receive the petitioner's application and consider for issuance of fresh passport with correct date of birth of the petitioner as 23-06-1972 as per the secondary school certificate.

Counsel for the Petitioner: MR.T.DAMODAR

Counsel for the Respondent : MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner.

It is stated in the affidavit filed in support of the writ petition that the petitioner has obtained a pass port on
14-9-1989 wherein his date of birth was wrongly mentioned as 26-5-1968 instead of 23-6-1972. It is further stated that subsequently the petitioner has passed the SSC Examination in March, 1990. The grievance of the petitioner is that when he made an application requesting the respondent to correct his date of birth as per his original Secondary School Certificate (SSC) issued by the School authorities, as 26.05.1968 instead of 23.06.1972, the respondent refused to entertain the application. Hence, he filed the present writ petition seeking a direction to the respondent to receive and consider his application for correction of date of birth in the passport.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent.

The petitioner has not explained the reason as to why he has kept quite for all these years, without taking necessary steps to correct the same. The petitioner has also not filed any documentary evidence to substantiate his claim that his request for correction of date of birth was rejected by the respondent authority. Thus, it cannot be said that the respondent has rejected the request of the petitioner. Hence, the writ petition is dismissed at the stage of admission. However, it is open for the petitioner to file an application for correction of date of birth in his passport before the respondent-Passport Officer with all relevant material in support thereof. On such filing, the respondent shall consider the

same and pass appropriate orders in accordance with law.

01.12.2004.

MRKR/TVK

To

1. The Regional passport officer, Near Clock Tower, passport office, Secunderabad.

2. Two C.D copies.

NOTE: issue cc in 2 days

B/o. MRKR/TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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Date: 1-12-2004